

REMARKS

Claims 1-9 and 11-16 are pending in this application.

By this Amendment, claim 9 is amended to incorporate the subject matter recited in claim 10. Claim 10 is canceled.

Claim 6 is amended for better clarity. Claim 17 is canceled.

Reconsideration of the application is respectfully requested.

The Examiner is respectfully requested to acknowledge consideration of the references listed on, and to return an initialed copy of the Form PTO 1449 submitted with the January 18, 2006 Information Disclosure Statement.

The Office Action rejects claim 1 under 35 U.S.C. §102(b) over U.S. Patent No. 4,158,919 to McMurtry ("McMurtry 919"). This rejection is respectfully traversed.

The Office Action asserts that McMurtry 919 discloses all elements recited in claim 1. However, McMurtry 919 does not disclose that, when a member is located in a defined rest position, a first transducer system is locked but a second transducer system is not locked, as recited in claim 1.

McMurtry 919 discloses a probe having a stylus 10 secured to a spring 11, which in turn extends from a housing 14. See Fig. 1 and col. 1, lines 53-64. When there is no force acting on the stylus, the stylus is in a rest position. Displacement of the stylus is accommodated by deflection of the spring.

McMurtry 919 discloses four transducers 25A-25B that measure displacement of the stylus. See Fig. 2 and col. 2, lines 33-68. Outputs from 29A and 29B indicate displacement in the X direction, and outputs from 29C and 29D indicate displacement in the Y direction. Outputs from all four transducers measure displacement in the Z direction.

However, McMurtry 919 does not disclose or suggest that, when a member is located in a defined rest position, a first transducer system is locked but a second transducer system is

not locked. The Office Action does not explain why it is believed that McMurtry 919 discloses such a feature.

In view of the above, McMurtry 919 does not disclose each and every element recited in claim 1. Accordingly, withdrawal of the rejection of claim 1 under 35 U.S.C. §102(b) over McMurtry 919 is respectfully requested.

The Office Action rejects claims 2-8 under 35 U.S.C. §103(a) over McMurtry 919 in view of U.S. Patent No. 5,209,131 to Baxter. This rejection is respectfully traversed.

Baxter discloses a probe in which a stylus assembly is mounted by means of a diaphragm and connected by means of tensioned wires to ligaments. The rest position of the stylus and the ligaments, and the diaphragm and the wires are all pre-tensioned. The rest position of the stylus assembly and thereby the stylus is the position in which the post-resilient members (diaphragm and ligament) establish an equilibrium position. See col. 14, lines 51-67. Baxter discloses, at col. 15, lines 2-5, that the rest position of the stylus assembly is one in which the stylus assembly is resiliently held in a position from which it can be displaced in any direction.

However, Baxter does not disclose or suggest that, when a member is located in a defined rest position, a first transducer system is locked but a second transducer system is not locked, as recited in claim 1. Therefore, Baxter does not supply the subject matter lacking in claim 1.

For at least the above reason, McMurtry 919 and Baxter, either individually or in combination, do not disclose or suggest the subject matter recited in claim 1, and claims 2-8 depending therefrom. Accordingly, withdrawal of the rejection of claims 2-8 under 35 U.S.C. §103(a) is respectfully requested.

The Office Action rejects claims 9 and 17 under 35 U.S.C. §102(b) over U.S. Patent No. 5,048,194 to McMurtry ("McMurtry 194"); and rejects claims 10-16 under 35 U.S.C. §103(a) over McMurtry 194 in view of Baxter. These rejections are respectfully traversed.

Claim 9 is amended to incorporate the subject matter recited in claim 10, as outlined above. In particular, claim 9 recites that, during movement of a member or a body, a biasing or driving means allows movement of the member relating to a housing in a direction perpendicular to an axis along which the member or body may be biased or driven. McMurtry 194 and Baxter, either individually or in combination, do not disclose or suggest this feature.

In particular, McMurtry 194 discloses a probe having a screen parallelogram arrangement (referred to as "measurement probe arrangement") with associated transducers. See Fig. 1 and col. 2, lines 4-46. The probe also has a "trigger sensor arrangement," comprising a piezoelectric crystal located in the stylus. See col. 3, lines 7-22.

However, McMurtry 194 does not disclose or suggest biasing or driving a member or a body along one axis to a defined rest position, while allowing movement of the member relative to the housing in a direction perpendicular to the axis. Also, McMurtry 194 does not disclose or suggest a defined rest position of a member that is defined by location elements, as recited in claim 9. Thus, McMurtry 194 does not disclose or suggest the subject matter recited in claim 9.

Baxter discloses a probe in which a stylus assembly is mounted by means of a diaphragm and connected by means of tensioned wires to ligaments, as discussed above. Baxter does not disclose or suggest biasing or driving a member or body along one axis to a defined rest position, while allowing movement of the member relative to the housing in a direction perpendicular to the axis. Furthermore, Baxter does not disclose or suggest a defined rest position of a member that is defined by location elements, because Baxter

discloses equilibrium position of a stylus assembly that is created from pre-tensioned resilient members, as discussed above. Therefore, Baxter does not supply the subject matter lacking in McMurtry 194.

For at least the above reasons, McMurtry 194 and Baxter, either individually or in combination, do not disclose or suggest the subject matter recited in claim 9, and claims 10-16 depending therefrom. Accordingly, withdrawal of the rejection of claims 9-16 under 35 U.S.C. §102(b) and §103(a) is respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-9 and 11-16 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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